

PETER C. WOLFF, JR. #2332
Federal Public Defender
District of Hawaii

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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Cr. No. 00-00444 SOM
)	
Plaintiff,)	INITIAL NOTIFICATION
)	RESPONSE TO THE
vs.)	ADMINISTRATIVE ORDER
)	REGARDING RETROACTIVE
PULEMAU FAITAU,)	AMENDMENTS TO CRACK
)	COCAINE GUIDELINES;
Defendant.)	CERTIFICATE OF SERVICE
)	
<hr/> UNITED STATES OF AMERICA,)	
)	CR. NO. 00-00454 SOM
Plaintiff,)	
vs.)	
)	
ANTHONY FURTADO,)	
)	
Defendant.)	
)	
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UNITED STATES OF AMERICA,)	CR. NO. 02-00287 SOM
)	
Plaintiff,)	
)	
vs.)	
)	
HARRISON CHAI,)	
)	
Defendant.)	
<hr/>)	
UNITED STATES OF AMERICA,)	CR. NO. 02-00351 SOM
)	
Plaintiff,)	
)	
vs.)	
)	
FREDERICK DURLAO,)	
)	
Defendant.)	
<hr/>)	
UNITED STATES OF AMERICA,)	CR. NO. 01-00359 SOM
)	
Plaintiff,)	
)	
vs.)	
)	
APELAAMO SULLU,)	
)	
Defendant.)	
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**INITIAL NOTIFICATION RESPONSE TO THE
ADMINISTRATIVE ORDER REGARDING
RETROACTIVE AMENDMENTS TO CRACK COCAINE GUIDELINES**

COMES NOW the Office of the Federal Public Defender for the District of Hawaii, by and through, Alexander Silvert, First Assistant Federal Defender, having been appointed to represent the above defendants to determine whether they qualify for a reduction of sentence in accordance with the recent retroactive amendments to crack cocaine base offense levels under U.S.S.G. §2D1.1.

Counsel has communicated with each of the above defendants concerning the amended guidelines, either by letter and/or telephone conference, and explained to them that each situation must be examined on a case-by-case basis to determine if a reduction applies, due to the limitations placed on the amendment by the Sentencing Commission. Counsel has also informed them that, should they elect to be present at their hearing if authorized by the Court, that this may disrupt their present living arrangements, work position, and possibly their place in line for various programs.¹

¹ In the Court's original order, the case of United States v. Soo Vitale, Cr. No. 06-00049 SOM, was included. That case has already been concluded by the entry of a stipulated order reducing his sentence by seven months.

Each defendant has waived any past conflicts for this purpose only, and has expressed an interest to determine if a reduction of sentence applies in their case. Counsel will be reviewing each defendant's case and filing any appropriate stipulation or motion as required.

Counsel has recently spoken to Anthony Furtado by phone regarding this matter. Mr. Furtado is currently at Mahoney Hale serving the last four months of the half-way house portion of his underlying incarceration sentence, having successfully completed the 500 hour RDAP program. Mr. Furtado has informed counsel that because he does not have any place to live in Hawaii upon his release from the half-way house, and because he needs the time at the half-way house to continue his current employment and save funds for his ultimate release, he does not wish to have his sentence shortened at this time. Mr. Furtado has agreed to contact counsel again in two months to reassess his position that counsel is not to take any action on his behalf to shorten his sentence, which would result in his immediate release from the half-way house.

DATED: Honolulu, Hawaii, March 27, 2008.

/s/ Alexander Silvert
ALEXANDER SILVERT
Attorney for Defendants

CERTIFICATE OF SERVICE

ALEXANDER SILVERT, hereby certifies that on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at the last known address:

FLORENCE T. NAKAKUNI (via electronically through CM/ECF)
Assistant United States Attorney
Attorney for Plaintiff
UNITED STATES OF AMERICA

United States Probation Office (hand delivered)
300 Ala Moana Boulevard
PJKK Federal Building, Room C-110
Honolulu, Hawaii 96850

DATED: Honolulu, Hawaii, March 27, 2008.

/s/ Alexander Silvert
ALEXANDER SILVERT
Attorney for Defendants